IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 475 OF 2007

Mohd. Azim Fakir Kazi .... Applicant
Vs.
The State of Maharashtra .... Respondent

Mr. Murtaza M. Najmi Advocate (appointed for the Applicant).

Mr. Y.S. Shinde, APP for the Respondent.

CORAM : J.H. BHATIA, J.
DATE : 25TH APRIL, 2007

P.C.

1) Heard Mr. Murtaza Najmi, learned Counsel for the applicant who is under trial prisoner in Sessions Case No. 603 of 2006 before 9th Ad-hoc Additional Sessions Judge, for Greater Bombay, at Sewree. Also heard Mr. Shinde, learned APP.

2) In his letter dtd. 20th December 2006 sent from Jail and addressed to Hon’ble the Chief Justice, the applicant contended that he had suffered certain bullet injuries and he was operated thrice at Bhabha Hospital. At the time of discharging from the Hospital and giving custody to Mahim Police, they were advised to provide him

post- operation medical treatment. According to him, he was lodged in Arthur Road Prison after expiry of Police custody and thereafter he was taken to J.J. Hospital only once. The Doctor of J.J. Hospital advised for Orthopaedic and Neurologic opinion, but that opinion was never obtained. Later on he was shifted to Thane Central Jail. Since he was not given proper medical treatment, according to him on 16/12/2006 he made a grievance before the learned Additional Sessions Judge, but the learned Additional Sessions Judge made certain comments due to which he apprehends that he may not be get justice.

3) I have called the report from the learned Additional Sessions Judge. The report shows that the learned Judge has already called the report from the Medical Officer/ Jail Authority about the grievances of the applicant but the report was not forthcoming and therefore he could not pass any order. The applicant got impatient because no order was passed by the trial Judge. According to the learned trial Judge, the applicant is in the habit of making false allegations against the Doctors and he has also filed this application falsely.

4) The report also reveals that he has been shifted from Thane Central Jail to Nasik Central Jail. In my opinion, in view of the report from the learned Additional Sessions Judge, no action is required to be taken. It is expected that he will get appropriate medical treatment at the Central Jail, Nasik Road, and his apprehension that he may not get fair trial and justice from the Judge is not well founded.

5) The Superintendent, Nasik Central Jail, is hereby to arrange to give proper medical treatment to the present applicant for the ailments from which he may be suffering.

6) Application is disposed of.

(J.H. BHATIA, J.)